

DOUBT EXPRESSED HERRIN JURY WILL CONVICT MEN ON TRIAL

Horrors of Brutal Murders Not Denied, But Sentiment of Community Is That Killings Were Quite Justified

MARION, Ill., Dec. 23.—The terrorizing of a peaceful countryside, abuse of law-abiding citizens and finally, the killing of an unarmed miner were charged against the armed guards at the Lester mine by witnesses for the defense today at the trial of five men charged with murder in connection with the Herrin mine slayings.

Only two witnesses for the defense were heard at the morning session and the cross-examination of a third held over from yesterday completed, when court recessed over the holidays to reconvene on Monday.

By C. G. MARSHALL.

MARION, Ill., Dec. 23.—The state has completed its case against the first five men accused as perpetrators of the Herrin massacre.

Every man of the five has been identified. The prosecution claims it has shown that each of the defendants had a hand in the slaughter of one or more of the 23 victims who met their death, some begging vainly for mercy, on that bloody June day.

Yet, the feeling is general that there will be no conviction, that the jury, made up mostly of farmers and miners, will allow itself to be "persuaded" to accept the defense point of view that "Williamson county arose to the defense of its homes and by this act of self-defense served notice on America that gun men and those who would employ American gun men that this was not a safe place in which to send hired murderers."

When the trial is resumed next week after the Christmas recess, the defense will have the opportunity to introduce witnesses to give testimony in supposed justification of the murders, to show many acts of brutality culminating in the ruthless murder of three union miners. The defense has announced it will call between 300 and 400 witnesses. It can hardly hope to establish alibi, as it intended, not even for Pete Hiller, about whom the prosecution had some evidence. William Cairns, one of the survivors, picked him out of the court room as the "big, husky, mean looking guy," who shot down one of the victims at close range as he stood in the crowd.

Hiller was pictured by State Attorney Dwyer as one of the most fiendish members of a murderous crew, a throat cutter, a killer of the worst order. Yet state's witnesses who showed astonishing memory for details of the massacre gulped once or twice and then did not seem to recall having seen him in the crowd. Hiller was married in jail last Monday to pretty 18-year-old Mary Hiller, a Marion, but after entertaining the bride and groom at a wedding supper, Sheriff Jim Galligan announced that the honeymoon would have to wait until Hiller got out.

NEWS WORTHY THERE. Many thrilling stories have been told about that last march of death toward Herrin cemetery. Four who survived that fearful ordeal have related all they could remember. Those of them who were not too terribly wounded to recall the worst of it were too busily engaged in saving their own lives to observe what was happening to the others. Donald M. Ewing, a Chicago newspaperman, reached the scene just in time to see it.

Leaving his car, Ewing made his way to the center of the mob and found six victims lying in the road. They were hatless, barefooted, and some had their shirts and trousers partly torn off, so their tormentors could tell whether they were really dead. Three were dead. Two were crawling in great pain, crying feebly for water. According to the testimony, Bert Grace, one of the defendants, stood over them, gun in hand, and kicked one to silence his pleading for water. The poor fellow, Howard Hoffman, for the murder of whom the five are on trial specifically, was wounded in the abdomen and his throat had been cut. The other man, Joseph O'Rourke, was wounded likewise, but lived to show the scar on his neck to the jury.

DENIED WATER. Ewing told how he hurried to a farm house and brought back a large bucket full of water for the two wounded men.

"Clear out of here, damn you," Grace swore at Ewing, the latter testified, "you can't give them any water." O'Rourke could identify none of his assailants because his hair was matted with blood and his glasses had been torn away.

"I opened my eyes once," said O'Rourke, "and I saw a man bending over me with a knife. I felt my throat cut. I realized that I was terribly thirsty and remember saying, 'If there is a Christian in the crowd, give me a drink of water.' I do not remember whether I got it or not."

How Hoffman was related dramatically by Dr. O. O. Shipman, of Herrin. "The prisoners were marched up the road between two files of armed men," he said. "They were bloody, ragged, bareheaded, and some of them were holding their hands to their faces as if they were in pain. One man was holding his hand to keep the blood in a wound at his waist. Another was holding one forearm which was soaked in blood. Leva Mann (one of the defendants) gave orders to swing arms. The man holding his forearm did not swing arms and some one reached out and hit him."

TIME TO PRAY. "A man came running down the street and directed the prisoners toward the country road. They stopped at a corner near a woods. Some one asked one of the wounded men—it was Howard Hoffman, if he wanted

to talk. If you want to talk you had better do it quick, you haven't long. They were marched a little further and came to two parked automobiles. One man got a rope from an automobile and put it around Hoffman's neck. He began to loop it around the others but it was too short and some one called for a piece of chain or barbed wire to piece it together.

"While this was being done a fellow in the crowd yelled to the prisoners: 'If you have never prayed before in your life, you better pray now.' A boy in an automobile hoisted 'Neener My God to Thee.' The rope was tied and they marched down the road again. Soon afterwards the shooting began and the prisoners fell in a heap. There were 19 or 20 fellows shooting and I recognized four. Joe Carnaghi, Leva Mann, Percy Hall, and a man named Galliger. (The first two are now on trial.)

"A man I had never seen who was doing most of the shooting, shot Hoffman. He shot round after round, borrowing guns from those around him. A small boy gave him cartridges. He lifted Hoffman's head up slowly and shot him again. The bullet split his scalp. Hoffman said, 'Oh men, men, what are you doing?'

ONE MAN ESCAPES. "One of the little band marched down the road to their doom and owes his life to his agility. He escaped without even being wounded. He is Robert Officer, bookkeeper at the Lester mine and a University of Pennsylvania graduate.

"We were marched a ways and lined up before a barbed wire fence with the crowd behind us." Officer testified. "Someone shouted 'we are going to give you a chance' and the firing began. I fell on my face and went under the barbed wire taking to the woods."

"Some of the other prisoners did the same thing. Some escaped." Bernard Jones, another survivor, and William Goodman, a farmer, also testified to that effect.

"You don't know this scab breed like I do. The only way to stop the breed is to kill them," said Jones and Otis Clark, one of the defendants who is charged with inciting the crowd to violence.

Then the march of death began. Before it had gone far, C. K. McDowell, superintendent of the mine, began to slip out as he could not move fast enough. He was shot in the back by a mob member. He fell on his back with the muzzle of a pistol and said to his companions: "He's given out. No use to go any further with him."

Let George Nelson, an eye witness take up the story. "A man with a revolver opened a way and two men went south with McDowell. Otis Clark was one of them and he had hold of McDowell's arm to keep him from talking. Another member of the mob ordered me to get into my house which I did promptly. Soon afterward I heard shots."

Later Nelson went down the road and found McDowell's body under a clump of bushes.

If the five men on trial are acquitted in the face of the testimony that has been given the prosecution admits that it will be useless to try any of the 20 others who have been indicted for the massacre.

The sentiment of the community is overwhelmingly in favor of the accused, not that the horrors are denied but because it is felt that the murders were justified.

XMAS TREE AT D. & B. SCHOOL

Santa Claus to Appear This Evening at State Institution

Santa Claus will appear in the library at the state school for the deaf and blind this evening and distribute the presents to the 11 children that remain in the institution, the others having been sent home to spend the Christmas holidays.

An appropriate program has been prepared for the enjoyment of those remaining who is to be given this evening and tomorrow.

A Christmas tree has been placed in the library and hung with the presents that have been received from the homes of the children.

A special Christmas dinner has also been planned for the children.

SPECIAL WORK IN VOCATIONAL SCHOOL

LOGAN, Dec. 23.—For the benefit of students who expect to enter the Utah Agricultural college at the opening of the winter quarter on Wednesday, Jan. 3, for special training but who have not had the necessary high school work to admit them to all the regular college courses, a number of vocational courses have been organized.

These courses are not of collegiate grade and are aimed to give the student training that he can apply immediately in his chosen field. Vocational courses are designed to meet the practical needs of the short course student. Those which will be offered by the college during the coming winter quarter are as follows: Farm management, elementary agronomy, dry-farming, feeding and management, practical poultry raising, automobile design and construction, care and maintenance of the automobile, vulcanizing and tire repair, gasoline traction engine design and construction, gas traction engine operation and repair, carpentry and carpenters, storage batteries, ignition, starting and lighting, oxy-acetylene welding, bacteriology, elementary agriculture, advanced agriculture, elementary physiology, practical horticulture, farmers' course in irrigation and drainage, water masters' short course, plane geometry, harness repairing, business law, hand sewing and garment making, elementary veterinary science, elementary algebra.

Many of the junior college courses are also open to vocational students. Those entering for vocational work, without the required 15 units of high school credit, must be 18 years of age or over.

DISTRICT COURT CALENDAR SET

Arrangements Made for Hearing of Cases for Next Quarter

The following trial calendar for Judge George S. Barker's division of the district court has been arranged: State of Utah vs. Fred Harris, January 24; State of Utah vs. Harry Bankhead, January 24; State of Utah vs. Francis Cahill, January 24; State of Utah vs. Frank Mandia, January 11; State of Utah vs. Steve Mills, February 20; State of Utah vs. F. W. Freeman, January 16; City of Ogden vs. W. E. Young, January 13; Mutual Livestock company vs. Union Livestock company, January 4; Evans Investment company vs. J. E. Mortensen, January 3.

Royden E. Owens vs. Bamberger Electric Railroad company, January 18; Paxton-Gallagher company vs. S. W. Smith, January 23; Edward E. Gibbons vs. Utah-Idaho Central Railroad company, January 24; Guaranty Mortgage company vs. P. F. Barrow, January 24; H. M. Rich vs. H. W. Wilson, January 30; George W. Shovel vs. Thomas Upton, February 6; R. E. Minnock vs. William Pugh, January 31; Peter Boncher vs. Utah Power & Light company, February 1; Mrs. T. Seville vs. Norwich Union Fire Insurance company, February 23; J. S. Sease vs. Mrs. Frank Storer, February 23; Benjamin Southern vs. Emma M. Palmer, February 27; Ogden Packing & Provision company vs. Simon S. Jensen, January 15.

A. F. Strayer vs. Daniel Allen, February 10; Mary Jane Stevens company vs. Thomas C. Foley, February 12; Hyrum A. Bellap vs. Gus J. Colubas, February 14; Nettie Popoulos vs. the First and Utah National bank, February 28; Margaret Powers vs. Joseph A. Powers, March 1; F. H. Wright vs. J. E. Mortensen, March 3.

John Seawright & Sons' company vs. J. M. Parry, February 21; Lindquist & Vicks company vs. Gortrud Arney, February 24; John H. Redden vs. C. W. Grace and the firm began. I fell on my face and went under the barbed wire taking to the woods."

Ernest Sullivan vs. Otto Meek, March 1; Nathan Wedge vs. Firemen's Fund Insurance company, January 12; Knight Trust & Savings bank vs. James Burke, receiver Interstate Sugar company, February 8; State of Utah vs. Harry Rosenthal, January 17; Estate Mary Jane Stevens, contest, February 17.

CHASE BURGLAR ON MAIN STEM

Christmas Shoppers Gaze on Thriller Down Salt Lake Street

SALT LAKE, Dec. 23.—Christmas shoppers along Main street and West Second South street today looked at what appeared to be a chase scene from a movie as a stylishly dressed negro, pursued by Patrolman William Shurtliff and followed by a crowd, dashed down the streets.

The officer fired a shot in the air, which only accelerated the man's speed. The long tails of his coat stuck straight out behind as he feet "fanned the pavement." He skidded like a racing car when he attempted to turn the corner of the alley next to Orpheum theatre, but put on fresh speed when he regained his balance.

In the meantime R. H. Claunch of the United States navy recruiting service had managed to outflank the negro who was close upon him. Officer Shurtliff saw his opportunity and opened fire again upon the fleeing man. The bullet tore cloth from the right shoulder of his overcoat.

A special scout of the missile whispered inspiration for more speed but the negro was brought up short when he faced the big navy man. Claunch pretended to be reaching for a gun and the negro threw up his hands in token of surrender. He was a cheer from the interested bystanders.

At police headquarters he was quickly identified as a burglar who has been operating in Salt Lake for the past week, according to the police. He gave the name of John Miller, 27 years of age, and his occupation as that of mechanic. He said he was originally from Kansas City and had been recently in Soldier Summit.

S. I. S. WILL OBSERVE XMAS

Trees Provided for Each of Three Companies at State School

Appropriate Christmas programs have been arranged for the state industrial school to be given by the three companies, Co. A, Co. B, and Co. C. Christmas forenoon, at 10 o'clock, according to an announcement made last night by Supt. John M. Mills.

A Christmas tree has been provided for each of the companies and the programs are to be held by each company in its quarters. Co. A in Abbott cottage, Co. B in Nelson hall and Co. C in West cottage.

To provide presents for these boys and girls that did not receive presents from their homes the board of trustees of the institution has made an appropriation, and practical presents have been purchased.

Mrs. Archie Bowman of the Children's Aid society announced that the organization had also appropriated money for the same purpose.

A special Christmas dinner has been planned.

NASH AUTO MAKES GIFTS TO WORKERS

KENOSHA, Wis., Dec. 23.—Big Kenosha Industries divided more than a million dollars in Christmas bonuses and Christmas presents today. The Nash Motors company led with bonuses to their salaried officials in the Kenosha and Milwaukee plants totalling more than \$200,000 and in addition gave each of the 3,000 workers in the plant a \$10 bill.

Each person breathes about 2000 gallons of air every 24 hours.

TELEPHONES

Business and Circulation Dept., 56
Classified Ads., 58
Advertising Dept., 428
Editorial and News Dept., 870

RANDOM REFERENCES

Go to California.—Mr. and Mrs. Arthur Shore of West Ogden are preparing to leave shortly for California, where they will spend the winter.

Red Devil Range Coal.—Once used, always called for. Moore Coal Co. Phone 345. 6627

To Brigham.—Mr. and Mrs. William S. Millar and son Jack have gone to Brigham to spend Christmas.

Red Devil Range Coal.—Once used, always called for. Moore Coal Co. Phone 345. 6627

Licensed to Wed.—Marriage licenses were issued Saturday by County Clerk, Lawrence A. Van Dyke to Robert A. Livingston and Mrs. Edith Moore, both of Ogden; Ralph W. Walton of Rock Springs, Wyo., and Dona M. Rector of Salt Lake; Rulon Gardner, Ogden, and Mrs. Mayma Bowen of Logan; John Alvin Brown and Elva Bernadine, both of Ogden.

Wm. H. Purdy, Signs & Show Cards, over Culley Drug Co. 6546

Lynne Ward.—A Christmas program, with Patricia Thomas A. Shreve as the speaker, will be held at the Lynne ward this evening at 7 o'clock.

Let our messengers deliver your Xmas presents, 15 to 30 cents. Phone 592. 6197

Goes to Chicago.—Mrs. D. H. Peery of this city has left for Chicago to spend Christmas with her two granddaughters, Misses Elizabeth and Lucy Fulkerson. She will return in February.

Lost.—Pair shell rim glasses. Return to Hirschman's Shoe Store and receive reward. 6535

In Idaho.—Mrs. I. F. Flinders has gone to spend the holidays in southern Idaho.

Con. E. Bohn.—Insurance, Fire & Auto, 417 Eccles Bldg. Phone 1960. 6384

The Abrams system of blood diagnosis and electronic treatment cures acute and chronic diseases. Dr. Grace H. Abrams, 597-S Eccles Bldg. Phone 203. 6768

Kindling wood, Phone 525. 6241

Orchestra Rehearsal.—Members of the orchestra "The Messiah" will meet at 10 o'clock this morning at Lester Hinchcliff's studio for rehearsal.

Let us fill your coal bin now. Phone 141.—Ogden Sewer Pipe & Clay Co. 1075

Miller Furniture Co. is now located in their new store at 2360 Wash. 6043

Ogden Visitor.—Oak Burris, with the firm of Miller & Viehle in Salt Lake, was an Ogden visitor Saturday.

Ogden Typewriter House for typewriters and repairs, 2422 Hudson avenue. Phone 238.

Back to Prison.—J. C. Raymond, arrested by the police in Ogden on the charge of petty larceny, was taken in custody by Parole Officer G. B. Williams last night to the penitentiary at Joliet, Ill.

When we advertise an article, it means the article is worth having. We recommend our six-inch nut coal for range and furnace use.—OGDEN SEWER PIPE & CLAY COMPANY, PHONE 141. 6199

DEATHS

James Vernon Sparrow died Friday at 3 p. m., at a local hospital, following an illness of one month. He was born in Roy, April 15, 1922, the son of Farris and Wyke Flet Sparrow. He is survived by his parents and grandparents.

Funeral services will be held today at 10:30 a. m. from the Lindquist parlors, Bishop W. E. Newman officiating. Friends may call at residence of grandparents, 2849 Adams avenue, until hour of funeral. Interment will be in the Roy cemetery.

FUNERALS

Funeral services for Edward Charles Brown were held at 2 p. m. Saturday, at the residence on Pinger avenue. Bishop D. H. Ensign conducted the services. Speakers were E. A. Larkin and Bishop Ensign. Miss Emma Buehler sang "Shine On," and "That Beautiful Land." Interment was in the City cemetery. The grave was dedicated by E. A. Larkin.

Funeral services for James Mulken, who died at Denver, Colo., were held at the Kirkendall mortuary yesterday afternoon. Counselor Lester S. Snodice of the Sixth ward presided. Music was furnished by Miss Margaret Pearl and Diana Brown Olsen. Interment was in the City cemetery. J. M. Brown dedicated the grave.

Weber Floral furnishes the flowers. 7763

ELABORATE PLANS FOR CHURCH SERVICE

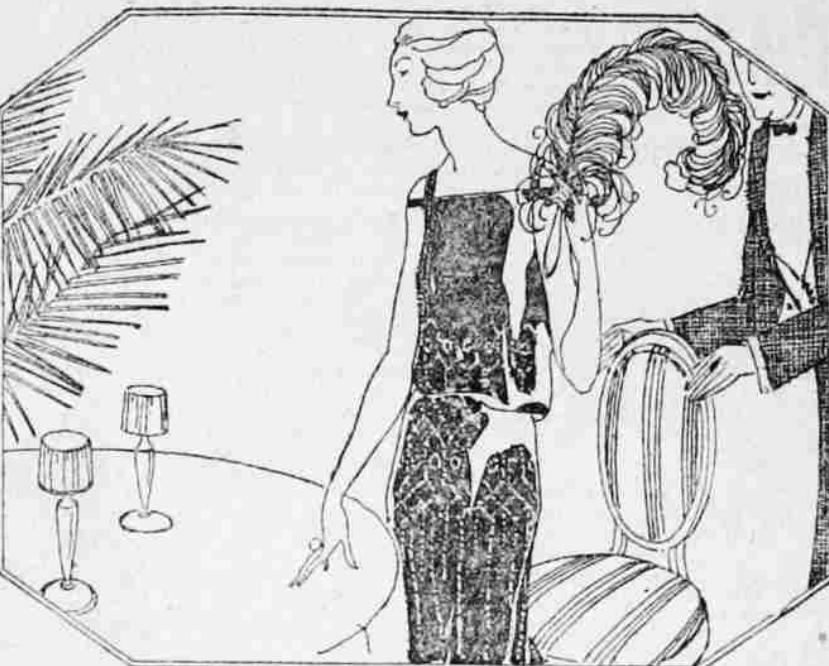
Elaborate preparations have been made in the First Presbyterian church for the Christmas services today. The church will be decorated with large Christmas trees, greens, holly. The trees will be lighted at each of the services. Abundant gifts have been provided for all the regular children of the church and some for the strangers. One of the features will be a very large colored picture of the Christ in the manger with shepherds and their animals at the door. This picture is 35 by 12 feet and was procured through courtesy of W. G. King for the children's service.

The midnight service will commence at 11 o'clock tonight and close at midnight. This will be a service of popular and classic Christmas music. The service for all ages, conducted by the children and young people, will commence at 7 o'clock. The morning service will be at 11 o'clock and at this service Miss Mildred Ware and Joseph Fennell will sing. The new fireplace will be used for the first time when Santa Claus emerges from it Sunday night.

A factory in China employing 200 workmen engaged in day and night shifts, will produce 8000 tea bricks a day.

Wright's

A GOOD PLACE TO TRADE



The Year-End Sale of Apparel

Tuesday morning we inaugurate our Year End Sale of women's apparel. Buyers are soon leaving for eastern markets. In this paper tomorrow we shall tell you of some of the striking values to be offered. A great opportunity to obtain smart clothing at very small prices.

CUT RATES FOR OPPOSE HARRIES BURLEY SHOW TAKING OFFICE

\$1500 in Premiums to Be Awarded for Idaho Seed Exhibits

BOISE, Idaho, Dec. 23.—The Oregon Short Line Railroad company has granted a reduced rate of a fare and a third for the Idaho State Seed show to be held at Burley, January 9-12, 1923, on the certificate plan, according to an announcement made by C. B. Abison, secretary-treasurer of the seed show. This means that 150 tickets sold to Burley will be necessary to secure this rate. Anyone attending the show should buy a one way ticket to Burley and get a receipt for it. These receipts will be collected at the show and providing the necessary 150 are procured, a one-third fare will be granted for the return trip.

Plans for the coming show are well under way. Entries are coming in daily from all parts of the state and there will be keen competition for the \$1500 premium money to be awarded.

There will be several additional features to this year's show. The model dairy and seed farms which attracted so much attention at the International Grain and Hay show at Chicago recently are being returned for the Burley show. Another addition to this year's event will be the demonstration hall where grain grading and treating, potato treating, corn selection, seeds and weeds, poultry and bull associations and other attractions will be demonstrated every morning.

The best speakers obtainable have been secured for the afternoon and evening programs and there will be something to interest every type of farmer in the state. Tuesday, January 9, is Seed day; Wednesday, January 10, is Potato day; Thursday, January 11, is Poultry and Dairy day and Friday, January 12, is Livestock day. On Thursday afternoon and during the entire day Friday there will be a special program of interest to women.

With the carrying out of the plans there is no doubt but that this year's show will be the best in the 12 years' history of the show.

Sir Arthur Conan Doyle was educated at Stonyhurst, in Germany, and at the University of Edinburgh, where he took his M. D. degree.

A Strike Result



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Thirty-five miles from Pocatello on Oregon Short Line